IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.102 OF 2007

Arun Namdeo Bhise ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.N.V.Gangal, Adv. for the Applicant.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 28th March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.6 of 2005 of Mhaswad Police Station. The said case is mainly under Sections 420 & 468 of IPC.

3. It is the prosecution case that the applicant was working as a Cashier in Satara District Central Cooperative Bank, Satara during the period when the crime was committed. It is further the prosecution case that the applicant had conspired with other coaccused and

misappropriated an amount of Rs.2,14,61,845.40 Ps. out of which amount of Rs.1,13,76,365/- was misappropriated for a short term. The said amount was deposited after a lapse of some time. The remaining amount of Rs.1,00,85,480.40 Ps. was permanently misappropriated by the present applicant along with other coaccused. Due to which the depositors sustained economical loss.

4. The *modus operandi* was that the applicant who was a Cashier in the Bank would accept deposit amounts from the depositors. The said amounts were shown to be deposited in the bank on the saving book of the depositors but the amount deposited by some of the depositors was not actually deposited in the said bank and it was shown as deposited only in the pass books and the depositors were given demand draft or advice of the amount deposited in the bank by forging the bank record. Thus, in the bank ledger book less amount was shown to be actually deposited and the amount handed over by many of the depositors was misappropriated by the applicant. The Chief Manager of the Bank lodged complaint when it was came to his notice after the audit that the

applicant in collusion with others has prepared false and forged documents.

5. Moreover, in the present case it is seen that the applicant was absconding from 20.4.2005 for almost 77 days and he was arrested at Bangalore.

6. The learned Advocate for the applicant has submitted that many of the coaccused have been granted bail and he has placed reliance on this fact, in order to seek bail on the ground of parity. As far as this aspect is concerned, the role of the applicant and the coaccused, who have been granted bail, is not similar and hence the applicant cannot be granted bail on the ground of parity.

7. Looking to all these facts, I do not think that this is a fit case to grant bail to the applicant. Application is rejected. The trial in the present case has already been expedited.

(SMT.V.K.TAHILRAMANI,J.)